

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims Status

Claims 13 through 22 remain pending in the application. Claims 23 through 26 have been canceled. Claim 18 has been amended to even more succinctly define the invention and/or to improve its form. It is respectfully submitted that no new matter has been added. Claims 13 and 18 are the only independent claims pending in the application.

Art Rejections

Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by Perrone.

Claims 13 through 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Perrone in view of U.S. Patent No. 6,386,080 (Okamoto, et al.).

Claims 24 through 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Perrone in view of Okamoto, et al.

The rationale underlying each of the foregoing art rejections is succinctly set forth in the Official Action.

Response to Art Rejections

Without conceding the propriety of the rejections and solely to expedite prosecution, Claims 23 through 26 have been canceled. The rejections of Claims 23 through 26 are now moot, and further comment thereon is not necessary.

The rejection of the pending claims is respectfully traversed.

Statement of Common Ownership

Applicants submit that the present application and Okamoto, et al. were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same “person”. (See Manual of Patent Examining Procedure 706.02(1)(2), Rev. 3, August 2005, pp. 200-56 to 200-60.)

Discussion

It is again respectfully submitted that U.S. Patent No. 6,386,080 (Okamoto, et al.) does not qualify as prior art to the present application. See the attached Statement of Substance of the Interview (the “Statement”), which was filed on March 7, 2006, in the application.

Okamoto, et al. is applied in combination with Perrone under 35 U.S.C. § 103(a) to reject *inter alia* Claims 13 through 22. It is believed that the Examiner considers Okamoto, et al. to qualify as prior art under 35 U.S.C. § 102(e), which is prior art that describes an invention described in a patent granted on an application for patent by another filed in the United States before the invention by applicant for patent.

The cover page of Okamoto, et al. identifies Canon Kabushiki Kaisha as the Assignee of that patent. Attached is a printout obtained from the U.S. Patent and Trademark Office Patent Application Information Retrieval (“PAIR”) database showing an Abstract of Title for the recordation of Assignment for Okamoto, et al.

The present application also is assigned to Canon Kabushiki Kaisha. Also attached is a printout from the PAIR database showing an Abstract of Title for the recordation of Assignment in the present application.

According to Section 103(e)(1), subject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f), and (g), Section 102 shall not preclude patentability under Section 103 where the subject matter and the claimed invention were at the time the claimed invention was made owned by the same person or subject to an obligation of assignment to the same person.

In view of the foregoing, it is respectfully submitted that Okamoto, et al. is disqualified as prior art to the present application, and the rejection of Claims 13 through 22 under 35 U.S.C. § 103(a) as being unpatentable over Perrone in view of Okamoto, et al. is not well made and should be withdrawn.

It is respectfully submitted that independent Claims 13 and 18 are allowable over the cited art.

Dependent Claims

Claims 14 through 17 and 19 through 22 depend either directly or indirectly from one of Claims 13 and 18 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance.

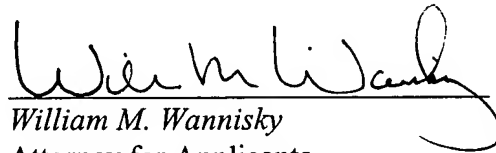
This Amendment could not have been presented earlier in the prosecution, inasmuch as it was earnestly believed that the claims heretofore on file were in condition for allowance. No new claims have been presented. It is believed that the Examiner's

familiarity with the present application will allow full consideration hereof without the expenditure of undue time and effort.

Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

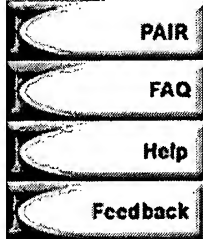
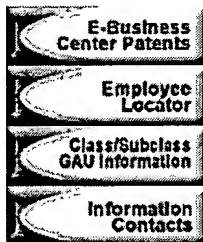
A handwritten signature in dark ink, appearing to read "William M. Wannisky", written over a horizontal line.

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Exec Dt: 11/01/1999

MIYAKE, NORIFUMI

Exec Dt: 11/01/1999

FUKAZU, YASUO

Exec Dt: 11/01/1999

MURATA, MITSUSHIGE

Exec Dt: 11/01/1999

YAGINUMA, MASATOSHI

Exec Dt: 11/01/1999

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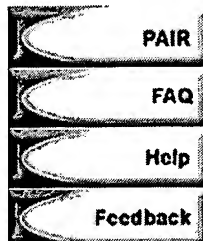
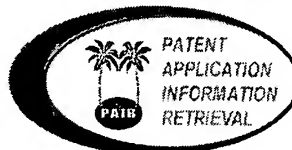
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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Assignment Abstract of Title

Total Assignments: 2

Application #: 09617539

Filing Dt: 07/14/2000

Patent #: 6672504

Issue Dt: 01/06/2004

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventors: Noriyoshi Ueda, Nobutaka Uto

Title: SHEET PUNCHING DEVICE FEATURING SELECTIVELY USABLE PUNCH TRAINS

Assignment: 1

Reel/Frame: 009776 / 0470 Received: 02/25/1999 Recorded: 02/19/1999 Mailed: 05/17/1999 Pages: 7

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT EXECUTION DATES THAT WAS PREVIOUSLY RECORDED ON REEL 9355, FRAME 0142.

Assignors: PUGH, EDWARD N., JR.

Exec Dt: 07/02/1998

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Exec Dt: 07/02/1998

ROWE MANOEL P.

Exec Dt: 07/23/1998

TYO, SCOTT J.

Exec Dt: 07/17/1998

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Assignment: 2

Reel/Frame: 011273 / 0161 Received: 11/29/2000 Recorded: 10/31/2000 Mailed: 01/31/2001 Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 08/24/2000

UTO, NOBUTAKA

Exec Dt: 08/24/2000

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